

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:

Applicant: **Hewlett-Packard Company**

Applicant's Ref. No.: **10007798-1**

U. S. Patent No.: **7,103,669**

U. S. Application No: **09/784,223**

Inventor: **John G Apostolopoulos**

Filing Date: **02/16/2001 (actual 01/19/2001)**

Confirmation No.: **2552**

Title: **Video Communication Method and System Employing Multiple State
Encoding and Path Diversity**

**PETITION TO SECURE FILING DATE BY CORRESPONDENCE DELIVERED
VIA EXPRESS MAIL UNDER 37 C.F.R. 1.10**

Sir:

Applicant respectfully petitions that the above-identified patent application be accorded the filing date of 01/19/2001, the date upon which the papers were sent to the U.S. Patent Office via Express Mail. The Express Mail mailing label EJ764217993US is included as Exhibit A. The date in: is 1-19-01.

Enclosed please find a copy of the first page of the transmittal (Exhibit B) of the above-identified patent application. The first page of the transmittal includes an Express Mail Certification which notes a date of deposit of Jan. 19, 2001.

Enclosed please find a copy of the Return Postcard (Exhibit C) for the patent application. The Return Postcard notes the Express Mail mailing label EJ764217993US and is dated 1/19/2001.

On 11/6/2006, Applicant's in-house attorney became aware of the discrepancy between the filing date (1/19/2001) on the transmittal of the filed application and the filing date on the filing receipt (2/16/2001) of this application. This discrepancy became apparent when the in-house attorney was reviewing a Japanese office action with the inventor. The inventor pointed out that the reference cited (his own publication) was actually published after the filing date of the application.

In reviewing the files, Applicant's in-house attorney noted that a previous request to correct the filing date for this application was made to the USPTO on 7/31/2001. A copy of this request is submitted as Exhibit D.

In response to this request, an updated filing receipt (Exhibit E) was sent from the USPTO. However, once again the actual 01/19/2001 filing date was not reflected on the updated filing receipt. Unfortunately, it appears that no one within Hewlett-Packard (HP) Company noticed the incorrect filing date of the updated filing receipt.

The fact that no one noticed the filing date error is in part due to HP procedures. The filing receipt is checked by HP Legal Department's Intellectual Property Administrative

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Date submitted: Jan. 8, 2007

Group. If an error is noted, the administrative assistant handling the case will typically work to ensure the error is corrected. Once this initial review process is completed and any requests for correction are submitted, it is assumed that the filing receipt is correct and no further reviews take place.

Applicant respectfully requests that a decision granting a 01/19/2001 filing date be entered. As the error was due to a USPTO error in the date on the original filing receipt, it is respectfully requested that the petition fee be refunded.

At any time during the pendency of the petition, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. 1.25. Additionally, charge any fees to Deposit Account 08-2025 pursuant to 37 C.F.R. 1.16 through 1.21 inclusive and any other sections in Title 37 of the Code of the Federal Regulations that may regulate fees.

Respectfully submitted,
Hewlett-Packard Company

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